

Appln. No. 09/499,550
Amndt. dated Dec. 7, 2005
Reply to Office Action of Sept. 8, 2005

Remarks/Arguments

Claims 1-6 and 10-12 remain pending in the Application. Claims 7-9 have been cancelled.

The Applicant appreciates the ongoing efforts of the Examiner to clarify the prosecution history of this case. Accordingly, the drawing set and "substitute specification" filed on May 16, 2003 are being set aside and the current Office Action (mailed September 8, 2005) is based on the original filing of the specification and drawings of February 7, 2000, and the claims as filed in the Amendment (B) of June 13, 2005.

The Examiner notes in Item 4 of the Office Action mailed September 8, 2005 that the Terminal Disclaimer filed on October 28, 2004 was improper as "No double patenting rejection should have been made." It is assumed that this then has been withdrawn by the Examiner.

Claim 1 has been amended, to match claim 8, to recite that the receiving frame "includes weatherstripping". This is consistent with the specification and **FIG. 7**, which shows weatherstripping **51** which resides on the window frame but not necessarily **between** the window and the frame. Accordingly, no new matter has been entered.

The informalities in claims 1-6 and 10-12 have been corrected in the claims as amended herein, according to the suggestions of the Examiner.

Claim 1 has been amended to recite that the window is curved and has a contour and the window insert is curved and accommodates said contour. Support can be found at page 7, 3rd paragraph of the specification which recites "[e]rgonomically and aesthetically, it is desirable to have a curved window insert **46** which accommodates the natural contour of the

curved glass window of most standard vehicles as **FIG. 5** illustrates.” **FIG. 7** of the present application is a sectional view that clearly illustrates the curvature of the insert **54** and window glass **50**.

New independent claim 13 has been added which recites similar subject matter to amended claim 1, except for the feature that the window insert includes a lower edge to be inserted between the retractable glass panel and the weatherstripping of the receiving frame. The claim also recites the use of a mounting bracket with an upper edge defined to be inserted between the retractable glass panel window and the weatherstripping of said window frame, said mounting bracket having a surface to receive the window insert, and said mounting bracket having one or more fasteners to retain the window insert. Support can be found at page 6, lines 6-13 and **FIG. 2**.

Regarding the Examiner’s objection to the Drawings (Item 5 of the Office Action mailed September 8, 2005) the Examiner remarks that “the weather stripping **between** said glass panel and said window frame must be shown or the feature(s) cancelled from the claim(s)”. As shown in **FIG. 1** and described in paragraph 1 on page 5 (5th paragraph) of the specification filed on February 7, 2000, “[t]he mounting bracket **21** has a bottom blade **22** sized to be insertable between a standard window **23** of an automobile and the lower inside weatherstripping **24** of the window **23**.” (Emphasis added.) **FIG. 2** is similarly described as “[t]he window insert **20** has a bottom blade **31** which is sized to be insertable between a standard window **23** of an automobile and the lower inside weatherstripping **24** of the window **23**.” See page 6, lines 6-10. Thus, the blade is insertable between the window and

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weatherstripping as shown in the FIGS., and not between the window and frame as the Examiner suggests. Claim 1 has been amended as noted above to clarify this point.

Turning to the rejections, claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,271,311 to Madden. With attention to FIG. 2, 4, 5, 7 and 10, Madden recites that the invention therein is applicable to a transparent panel 112 that is disposed against window glass 40. The panel 112 and window glass 40 are all flat configurations, and not curved. Accordingly, it is believed that Madden fails to teach or suggest any importance of providing a curved window insert that would accommodate the contour of a curved vehicle window. As noted in the supporting specification, this provides the feature of a much more ergonomically and aesthetically pleasing product.

Underscoring this feature, the use of a curved insert that accommodates the use of a curved vehicle window also may serve, e.g., to reduce reflectance that would otherwise occur with mismatched surfaces. That is, should one place a flat window insert, as Madden instructs, against a curved vehicle window, one would experience undesirable levels of reflection and distortion, which is a characteristic that may be controlled by the present invention. In addition, as alluded to above, the claimed curved insert that accommodates a curved window contour may preserve relatively small but nonetheless critical interior space within the vehicle.

In view of the amendments to the claims it is therefore believed that Madden no longer supports a rejection under 35 USC 103(a).

Furthermore, Madden appears to be directed at a removable bullet proof apparatus comprising a combination of a transparent panel means and a flexible curtain means. The transparent panel means is removably **secured at an upper portion by a first upper bracket** disposed between the window and the door below the window, and at a lower portion by a **second bracket** disposed between the window and the door, wherein the first and second brackets removably **secure the transparent panel to the window** and the door. Stated another way, Madden '311 requires **two brackets**, one at the top and the other at the bottom of the transparent panel to **secure the panel to the window** and the door.

The present invention is directed at an optically transmissive curved insert (pending claim 1) having an **upper edge** which may be inserted along with the **retractable** window into an upper receiving channel and a mounting bracket which may be inserted between the curved retractable glass window and weatherstripping of the receiving frame to provide a surface for receiving the insert. Thus, another difference in the construction over Madden is that only one bracket is needed and the curved window remains capable of being raised and lowered when the curved insert is in place (see page 4, lines 10-12; page 6, lines 2-3 and page 8, lines 10-12 of the original specification).

In addition, new claim 13 incorporates the above mentioned features of claim 1 with respect to the use of a curved insert that accommodates the contour of a curved window. The difference being that the insert of claim 13 relies upon the feature of a mounting bracket with an upper edge that may be inserted into the window frame and the use of an insert with a lower edge to be inserted into a receiving channel of the window frame. Thus, for the reasons

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noted above, claim 13 is believed to satisfy the requirements of patentability under 35 USC 103 with respect to the art of record.

Dependent claims 10-12 have been amended to depend upon new claim 13 and are believed to be patentable for the reasons noted above.

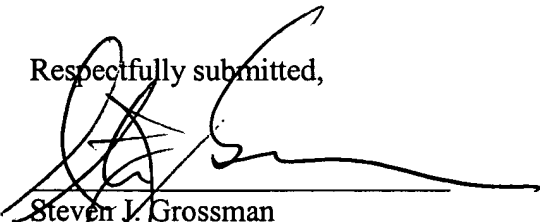
Claim 8 has been cancelled. Therefore, the outstanding rejection of claim 8 has been rendered moot.

Given the above, it is respectfully submitted that the new and additional art rejections, raised in the Office Action of September 8, 2005, have been overcome. Applicant also accepts the apology of the Examiner for the piecemeal examination provided by the previous Examiner in this case. It is also now believed that the claims are in condition for allowance, and fully satisfy the conditions of patentability under 35 U.S.C. 103. Allowance at an early date is respectfully solicited.

In addition, if the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at (603) 668-6560.

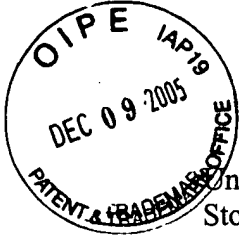
In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 7, 2005, at Manchester, New Hampshire.

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